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State of Vermont  
Water Resources Board

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MEMORANDUM

TO: Petitioners, ANR, Town of Calais, Interested Persons (see service list)

FROM: William Bartlett, Executive Officer *William Bartlett*

RE: **Memo Granting Withdrawal** of Request for Advisory Opinion  
Concerning Placement of Swimming Dock on Curtis Pond  
(Docket No. MLP-2000-01AO)

DATE: June 5, 2000

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On March 6, 2000, Ms. Noreen Bryan, Ms. Eleanor Ott, Mr. and Mrs. Davis and Jamie Cherington, and Friends of Curtis Pond ("Petitioners") sought an Advisory Opinion as to the applicability of 29 V.S.A. §403 to a swimming dock ("Dock") proposed to be situated in a portion of Curtis Pond commonly referred to as "the Narrows". Curtis Pond, located in the Town of Calais, is a public water of the State of Vermont and, as such, is subject to Vermont statutes and the Board's rules governing public waters,

By written memoranda dated March 21, 2000 and April 4, 2000, consideration of this matter was continued at the request of Petitioners and persons having an interest in this matter. On May 1, 2000, Petitioners and interested persons, through Petitioners' counsel, David L. Grayck, Esq., informed the Board that they had filed a joint permit and proposed decision with the Environmental Board. Petitioners stated in the May 1, 2000 filing that "[s]ubject to the Environmental Board issuing a final and binding Act 250 permit, Friends of Curtis Pond, Davis and Jamie Cherington, Eleanor Ott, and Noreen Bryan request that their request for an Executive Officer Advisory Opinion be withdrawn and/or dismissed." On Friday, June 2, 2000, the Environmental Board issued a final and binding Act 250 permit for the Pathway Ministries, Ltd. project, as well as findings of fact and conclusions of law. Accordingly, I grant the withdrawal of the pending Executive Officer Advisory Opinion request and order the matter docketed as MLP-2000-01AO to be dismissed without prejudice. Because no opinion on the subject matter of the request has been rendered, there is no decision of the Executive Officer subject to review by the Board pursuant to Water Resources Board Rule of Procedure 16.

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